(c) the number of magistrates required to head these courts; and

(d) whether setting up of these mobile courts would also help in reducing considerable number of pending cases in subordinate judiciary?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Yes, Sir.

(b) and (c) A Bill for establishing Gram Nyayalayas is pending before Rajya Sabha. The State Governments will be consulted before bringing into force the provisions of this enactment. Presiding Officers to these courts will be appointed by the concerned State Governments in consultation with the respective High Courts.

(d) Yes, Sir.

Provision for speedy justice

†383. SHRI MOTILAL VORA:
SHRI SATYAVRAT CHATURVEDI:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the decisions taken to provide speedy justice to the people in the conference of Chief Ministers and Chief Justices of High Courts held in Delhi in May, 2007;

(b) whether Government proposes to introduce two shifts in the lower courts;

(c) if so, the details thereof; and

(d) whether Government would increase the number of fast track courts also so that large number of cases are disposed off faster?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) A Conference of Chief Ministers of the States and the Chief Justices of the High Courts was held in Delhi on 8th April 2007. A copy of the Minutes of the Conference, indicating the different issues discussed and decisions taken thereon is enclosed as statement (*See* below).

(b) and (c) The matter is being studied with the State Governments and the High Courts.

(d) There is no such proposal. However, the Government have taken a decision to set up Gram Nyayalayas to afford speedy and inexpensive justice.

Statement

Copy of the Minutes of the Conference held on 8th April, 2007

CONFERENCE OF THE CHIEF MINISTERS OF STATES AND THE CHIEF JUSTICES OF THE HIGH COURTS

(APRIL 8, 2007)

ON

ADMINISTRATION OF JUSTICE ON FAST TRACK

† Original notice of the question was received in Hindi.

MINUTES

ITEM NO. 1 **Implementation of resolutions passed at previous conference of Chief Ministers and Chief Justices held on 11th march, 2006.**

Action Taken Reply, given by Department of Justice, was seen

ITEM NO. 2 INFRASTRUCTURE OF SUBORDINATE COURTS

ITEM NO. 7 MODERNISATION OF COURTS

Some Chief Justices drew attention of the Chief Ministers of their respective states to the inadequate infrastructure, such as dilapidated court buildings, lack of esential amenities and frequent power failures, particularly at Taluka level. All the States acknowledged the need to replace the old and dilapidated court buildings by standardized modern court buildings, add more court rooms to the existing court buildings and construct more court complexes and residential quarters for Judicial Officers. Some Chief Ministers wanted allocation of adequate funds to them by Central Government for augmenting the infrastructure of subordinate courts. The Hon'ble Union Minister for Law and Justice informed that Government of India was committed to give full support to the States for construction of court buildings and judges residences under a Ten Year Perspective Plan

DECISION

(a) Consistent with the resources available to them, the States will provide adequate funds, as required by the High Court, for upgrading and augmenting the infrastructure of subordinate courts by replacing the dilapidated buildings with new buildings, upgrading the existing court complexes and constructing new court complexes and residential quarters for judicial officers.

(b) Adequate steps be taken for modernization & computerisation of courts and enhancing the use of various I.T. tools including video conferencing, Internet usage, E-mail based communication, electronic dissemination of information and use of digital signatures, particularly at the level of subordinate courts.

ITEM NO. 3 ENHANCING THE STRENGTH OF JUDGES AND REDUCTION OF ARREARS

ITEM NO. 6. FAST TRACK COURTS

All the chief justices highlighted the inadequate judge case ratio in their respective States and wanted increase in existing sanctioned strength of subordinate judges by atleast 25%. No participant disputed that the huge pendency of cases in the courts cannot be wiped out unless the strength of judges in High Courts as well as subordinate courts was suitably enhanced. The States acknowledged the acute shortage of subordinate judges and the need to increase their number adequately so as to enable them to reduce backlog and provide an efficient, speedy and effective justice delivery system to our people. The States also stressed on the need to fill-up the existing vacancies in subordinate courts as well as High Courts at an early date and felt that the arrears could come down substantially if all the existing vacancies were filled on urgent basis.

Some Chief Justices pointed out that there was huge pendency of civil cases as well, both in High Courts as well as in subordinate Courts and many of these cases were very old.

DECISION

Immediate steps be taken to reduce the arrears of cases and to provide a speedy and efficient justice delivery system to the people by taking adequate measures, including suitably increasing the strength of Judges in High Courts and subordinate courts, filling-up of existing vacancies at all levels on an urgent basis and by timely filling-up of the vacancies in future.

ITEM NO. 4. INTRODUCTION OF SHIFT SYSTEM IN SUBORDINATE COURTS

The Chief Justice of Gujarat High Court informed that the system of Evening Courts had proved to be very successful in the state, more than 62,000 cases were disposed by such courts in less than five months, and there was growing demand from various quarters for setting-up of such courts. Chief Justice of Andhra Pradesh High Court informed that in his State such courts were being run in the morning and were quite successful in disposal of cases involving petty offences. The Chief Justice of Delhi High Court informed that they were exploring introduction of Evening Courts and had discussion with the Bar in this regard and he expected a positive outcome. The Chief Justice of Jharkhand High Court suggested shift courts in the evening since uninterrupted power supply was not available in the evening. All the States welcomed the introduction of shift system in subordinate courts and promised to work in that direction.

DECISION

Evening/morning courts to be set-up, wherever found feasible, and appropriate cases including those involving petty offences be transferred to such courts. Either retired Judicial Officers be re-employed or serving Judicial Officers be given suitable incentive, to preside over these Courts.

ITEM NO. 5 ALTERNATE DISPUTE REDRESSAL MECHANISM

There was consensus amongst the participants that resolution of disputes through regular courts along, which was otherwise not congenial for a peaceful society, was not adequate to address the problem of huge backlog of cases and therefore, it was necessary to resort to alternative modes of disputes resolution, such as negotiation, mediation, conciliation and Lok Adalats. It was acknowledged that since the regular courts were already overburdened, it was necessary to train Advocates in ADR methods in mediation, conciliation and to entrust the task of settlement of disputes through alternative disputes redressal system to them.

DECISION

Alternative Dispute Redressal systems such as mediation, negotiation, conciliation and Lok Adalats be adequately strengthened so as to bring about a peaceful settlement to the disputes and as far as possible members of the bar alone be engaged as mediators and conciliators.

ITEM NO. 8 ENTRUSTMENT OF SELECTION OF SUBORDINATE JUDICIAL OFFICERS TO HIGH COURTS, WHEREVER REQUIRED

Some Chief Justices pointed out that despite decision taken in the last Joint Conference of Chief Ministers of States and Chief Justices of High Courts and the decisions taken from time to time in Chief Justices Conference, subordinate judicial officers in their States were still being recruited by State Public Service Commissions leading to undue delay in filling-up the vacancies of judicial officers. The Chief Justices felt that High Courts were better equipped to make recruitment and appointments of judicial officers.

Chief Minister of Haryana and Chief Justice of Punjab & Haryana High Court informed that this year recruitment of Civil Judge (Junior Division) in State of Haryana has been entrusted to the High Court.

DECISION

The States in which recruitment of judicial officers is still being made by the Public Service Commission will take apprpriate steps in terms of the decision taken in the last Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held on 11th March, 2006 and will, in the meanwhile, ensure that there was no delay on the part of their respective Public Service Commission in filling-up the vacancies of judicial officers.

ITEM NO. 9 GRANTING FINANCIAL AUTONOMY TO THE HIGH COURTS

It transpired during discussion that though most of the Chief Justices had been given power of appropriation and reappropriation of funds, within the budget allocated by the State Government, some States were yet to delegate this power to the Chief Justice of the High Court.

No one, however, disputed the need for delegating the requisite power to the Chief Justice of the High Court.

DECISION

The following resolution passed at the last Joint Conference of Chief Ministers of States and Chief Justices of High Courts held on 11th March, 2006 is reiterated:

"(i) Chief Justice of the High Court be delegated full power to appropriate and reappropriate the funds within the budget allocated by the State Government for the judiciary in the State;

(ii) Consistent with their financial resources, State Governments shall provide adequate budgetary allocation for judiciary."

ITEM NO. 10 ESTABLISHMENT OF A PERMANENT MECHANISM FOR IMPLEMENTATION OF RESOLUTIONS OF THE CHIEF JUSTICES' CONFERENCE AND THE JOINT CONFERENCE OF CHIEF MINISTERS AND CHIEF JUSTICES AND SETTING-UP OF COORDINATION COMMITTEE IN EACH DISTRICT.

The Chief justice of Karnataka High Court informed that Karnataka was the first State to establish high level committee(s), in terms of the decision taken in the last conference, and the pending matters were being monitored by the committee(s). The Law Minister of Uttaranchal informed that the State had set-up two committees pursuant to the decision taken in the last Conference.

DECISION

The following resolution adopted in the last Joint Conference of Chief Minister of States and Chief Justices of High Courts held on 11th March, 2006 is reiterated:

"(i) A Committee consisting of Hon'ble the Chief Justice of India, Union Minister for Finance and Union Minister for Law & Justice be set-up at national level for ensuring timely implementation of the decisions taken at Chief Justices' Conference and Joint Conference of Chief Ministers and Chief Justices. Wherever deemed appropriate, Hon'ble Prime Minister of India be invited to the meeting of the Committee.

(ii) Monitoring Committees at two levels be set-up in each State for timely implementation of the decisions taken at Chief Justices' Conference and joint Conference of Chief Ministers and Chief Justices. The first level Committee should consist of Chief Secretary, Registrar General of the High Court and Law Secretary of the State, whereas the second level Committee should consist of Chief Minister, Chief Justice and Law Minister of the State."

Enhancement in budget for judiciary

384. DR. ABHISHEK MANU SINGHVI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government is taking up the proposal for enhancement of the planned budget for the judiciary; and

(b) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI HANSRAJ BHARDWAJ): (a) and (b) The Central Government has enhanced the outlay for the Plan schemes, being implemented for the Administration of Justice, in the Eleventh Five Year Plan to Rs. 1470 crore from Rs. 700 crore that was provided as the outlay for the Tenth Five Year Plan.

Pending cases in courts

385. SHRI ABU ASIM AZMI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are aware that both civil and criminal cases remain pending and are not finalized for decades together;

(b) if so, the number of such cases pending in the High Courts, State-wise and since when;

(c) whether Government is considering to issue instructions to the Courts to finalize such cases within a shortest period to avoid delays; and

(d) if so, the details thereof and by when it is expected to be issued?

THE MINISTER OF LAW AND JUSTICE (SHRI HANSRAJ BHARDWAJ): (a) Government is aware that a number of civil and criminal cases have remained pending with courts for a long period.

(b) The requisite information is being collected and will be laid on the Table of the House.